

### Remarks

Claims 1 and 4-19 remain in the present application. Claims 1 and 13 have been amended so as to incorporate the limits of originally filed claim 3 (which was indicated by the Examiner as being allowable). Claims 2 and 3 have been cancelled and new claims 18 and 19 have been inserted in their place (antecedent basis for these new claims is found on pages 12 and 13 of the application (specifically the portion labeled "Correlation analysis for varying vehicle velocity"). Claim 5 has been amended so as to incorporate the limitations of claim 3 and to incorporate the features of claim 1 previously on file. Similarly, claims 13 and 14 have been adapted to be consistent with the wording of amended claim 1. New claims 16 and 17 have been added as new system and computer program claims corresponding to amended claim 5. All claim amendments herein find antecedent basis in the application as filed. No new matter is intended to be added to the claims.

The drawings, at Figures 4, 6 and 8, have been amended to label each specific and separate portion of those Figures. Along with those amendments to the figures, the Brief Description of the Drawings has been amended to specifically describe what is found in each of the newly-labeled figures. Again, this is adapted from information already contained in the application and no new matter has been added by virtue of these amendments.

Pages 12 and 13 of the specification have been amended to correct two clerical errors. First, in equations (6) and (8) (which are both directly derived from equation (4)), missing square brackets have been included. Second, in equations (7) and (9), the index under "ARG MAX" has been corrected to (r). In addition, the specification has been amended so as to make it clear that the systems claims are not intended to encompass "carrier wave signals" (amendment at page 21, line 6-10). Finally, the abstract has been amended, as requested by the Examiner.

Applicants thank the Examiner for his very careful and thorough examination of the present application, and particularly for determining that claims 3-7 cover allowable subject.

The Examiner objected to the application on several grounds. Figures 4, 6 and 8 have been amended as requested by the Examiner, and the description of those

drawings HAS also been amended, thereby addressing the Examiner's objection to the drawings. The abstract has been amended in order to eliminate "legal phraseology", as requested by the Examiner. In light of this amendment, the objection to the abstract should be withdrawn. The application has been amended, at page 21, in order to eliminate "existing systems" from the language which seeks to incorporate by reference the publications mentioned in the specification. While it is perfectly acceptable to have a blanket incorporation by reference of cited documents, the Examiner is correct that the reference to "existing systems" is improper and it therefore has been eliminated. The Examiner has pointed out that the references listed on pages 15 and 16 of the specification have not been considered by the Examiner because they were not set out in appropriate information disclosure format. Applicants understand this; they did not intend that those references be considered by the Examiner because they are not believed to be as relevant as those actually cited in the Information Disclosure Statement. The Examiner has also pointed out that two of the inventors are not listed on the filing receipt of the present application and that the PCT version of this application is cited as a priority application, rather than as the basis of a PCT national entry of that application. Both of those issues will be addressed separately with the patent office.

In paragraph 6 of the Office Action, the Examiner has objected to several of the claims on specific formal grounds. The Examiner has objected to phrases such as "determining the velocity...of the vehicle based on the correlation feature..."; this language is contained in several of the originally filed claims. Instead of referring to the "correlation feature", Step (c) of amended claim 1 now reads "determining the velocity of the vehicle based on said indicated wheel radius and the wheel speed signal of the respective front and rear wheel". The particular equation used in the embodiment can be found on page 13, line 11. Persons skilled in the art can easily derive the appropriate relation and calculation based on the instructions given in newly-amended Step (c) of claim 1 and the description of the present application. The Examiner has also objected to the use of "(r)" stating that it has been used in an inconsistent manner. This symbol "r" generally refers to the wheel radius. In order to make sure that there are no misunderstandings as to what the term refers to, the use of that term with regard to "specific wheel radius" in claim 4 and "radii of the front and rear wheels" in claim 8 have been eliminated. Claim 5 has been amended as

requested by the Examiner to utilize the phrase “the front and rear wheels”. The term “absolute” has been eliminated in claims 10, 11, 12 and 15, thereby avoiding the antecedent basis issue pointed out by the Examiner. In light of these revisions to the claims, it is submitted that the Examiner’s claim objections have all been addressed and it is therefore respectfully requested that they be withdrawn.

The Examiner has rejected claim 12, under the second paragraph of 35 USC §112, for using the phrase “such as” in the claim. Claim 12 has been amended to eliminate that language and it is therefore requested that the rejection under §112 be withdrawn.

Claim 14 has been rejected, under the 35 USC §101, based on the fact that the term “machine readable medium” in the specification is said to include “carrier wave signals”, which the Examiner indicates do not constitute patentable subject matter. The specification has been amended, at page 21, to make it clear that claim 14 is not intended to include “carrier wave signals”. In light of this amendment, it is submitted that the rejection under §101 should be withdrawn.


The Examiner has made two prior art rejections in the present application:

- (a) claims 1, 2, 8-10, 12-15 have been rejected under 35 USC §102(b) as being anticipated by US Patent 5,557,552 (Naito et al); and
- (b) claim 11 has been rejected under 35 USC §103(a) as being unpatentable over Naito et al in view of US Patent 6,354,675 (Miyazaki).

The Examiner has also indicated that claims 3-7 cover allowable subject matter. The Applicant has amended the claims herein such that they all contain the limitations of claim 3 and, therefore, all the claims currently pending in the present application should cover allowable subject matter based on the comments of the Examiner. In light of that, there is no need to discuss in this response the specific prior art rejections made by the Examiner.

In light of the foregoing, it is submitted that the present application is now in form for allowance. Accordingly, reconsideration and allowance of the claims, as amended herein, are earnestly solicited.

Respectfully submitted,  
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